

REMARKS – General

By the above amendment, Applicants have rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

Detailed Action

Detailed Actions were identified to clarify phrasing according to 35 USC 112, ¶6. Applicants have changed wording in claim 9 from “pivot means” and “clamp means” to --pivoting means-- and --clamping means--. In addition, Applicants have amended claims to include the phrase “means for” in claims that Applicants wish to have treated under 35 USC 112, ¶6.

The Objections to The Claims under § 112

The Claims were objected to under § 112 for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, claim 1 recited “at a height ranging from a level”. Applicants have overcome this objection by removing the term “ranging”. Claim 1 was replaced with Claim 10 and rewritten using the phrase “predetermined height”.

The Rejection Of Claims under § 103

Claims 1–7 were rejected under § 103 as being unpatentable over Stunden in view of Stone. Applicants have replaced claims 1–7 with rewritten claims 10 – 14 to define patentably over these references, and any combination thereof. Applicants request reconsideration of this rejection, as now applicable to claim 10, for the following reasons:

- (1) The Stunden and Stone references are from a very different technical field than that of the present invention.
- (2) The Stunden and Stone references do not contain any suggestion that they be combined.
- (3) The proposed combination would not be physically operative.
- (4) Even if Stunden and Stone were to be combined in the manner proposed, the proposed combination would not show all the novel features of claim 10.
- (5) These novel physical features of claim 10 produce new and unexpected results and hence are unobvious and patentable over these references.

The references And Differences of The Present Invention Thereover

Applicants will discuss the novelty of the present invention over cited references prior to discussing the claims and the above five points.

U.S. Patent No. 389,336 to Stunden (1888) presents a clothes drier that is collapsible and portable. The Stunden clothes drier is designed to support static loads opposing gravity, particularly supporting clothes on clotheslines. Stunden's clothes drier would require significant modifications to make it big enough to accommodate the full swing of a golf club. If Stunden's clothes drier was configured to accommodate the full swing of a golf club, it would not have sufficient reinforcement to sustain the repeated urging and relieving of forces upon the lines. Many of the forces applied by a golf club are in the upward direction. If these forces are exerted on the Stunden clothes drier, the drier would lift into the air and collapse. A golf club can also exhibit forces in a lateral direction as the club is swung around the golfer. If lateral forces were exerted on the Stunden clothes drier, it would cause the bars "C" and "L" to continually change their relationship and eventually collapse. Stunden, lines 21-24 state "The frames close together laterally for removal from place to place when the clothes are on the line and collapse diagonally when not in use". If the Stunden clothes drier was configured to accommodate the full swing of a golf club, it would become very long and cumbersome when collapsed diagonally, thus defeating the benefit of easy removal from place to place.

U.S. Patent No. 4,261,469 to Stone (1981) discloses a clothesline that can be disassembled and stored when not in use. A key feature of this clothesline is the elastic ropes used to lock in the arms of the clothesline and provide a line for hanging laundry. This clothesline uses pipes that are inserted into a larger diameter pipe or a socket. The tension on the elastic ropes helps keep the pipes in place while hanging laundry. If Stone's clothesline was configured to accommodate a practice golf swing, it would not have sufficient reinforcement to sustain the repeated urging and relieving of forces upon the lines. The urging and relieving of forces upon the elastic ropes would cause the support pipes inserted into the larger diameter pipes or socket to work their way free of the support. This has the potential of inducing damage to the golfer or the golf clubs.

U.S. Patent Application No. 2002/0173370 A1, U.S. Patent No. 6,755,751 B2 to Chapman (2004), U.S. Patent Application No. 2003/0027657 A1, U.S. Patent No. 6,695,710 B2 to Yamada (2004), U.S. Patent No. 5,776,007 to Kendall (1998), and U.S. Patent No. 6,048,273 to Clement (2000) address only the putting aspect of golf swing training. U.S. Patent No. 4,869,510 to Battersby (1989) requires complex set up procedures. In addition, it is staked to the ground. The repeated swings of a golf club will have the potential of dislodging the stakes and freeing the posts, thus causing harm to the golfer or equipment. U.S. Patent No. 1,637,339 to Glennon (1927), U.S. Patent No. 3,482,838 to Gibson (1967), and U.S. Patent No. 3,753,563 to Previte Jr. (1973) address only the bottom portion of the downswing.

Stunden and Stone Are From A Very Different Technical Field

Stunden and Stone both refer to inventions that are from a very different technical field than that of the present invention. The present invention is related to the training of a golf swing

and the Stunden and Stone references are both related to hanging laundry. Neither reference contains any suggestions to use their disclosures for the purpose of sports training.

The Stunden And Stone References Do Not Contain Any Suggestion That They Be Combined

The Stunden and Stone references do not contain any suggestion that they be combined. The Stunden clothes drier is designed to be freestanding and collapsible. The Stone clothesline is designed to attach to fixed supports. If the Stunden clothes drier was adapted to attach to fixed supports, it would no longer be portable. The benefit of the Stone clothesline is that it can be disassembled. If Stone's clothesline was configured to be freestanding and collapsible, it would have no benefit over Stunden's clothes drier. As suggested, another combination is to use the elastic ropes of Stone's clothesline in the place of the lines used on Stunden's clothes drier. If the combination was used to dry laundry, the clothes would likely drag on the ground. In addition, having elastic ropes would provide no benefit for drying clothes over conventional lines. If the combination was used to train the proper golf swing, the structure would not have sufficient reinforcement to sustain the repeated urging and relieving of forces upon the elastic ropes. If upward forces were exerted on the Stunden clothes drier, even with elastic ropes, the drier would lift into the air and collapse in a similar manner as the clothes drier with conventional lines. If lateral forces were applied to the Stunden clothes drier with elastic ropes, bars "C" and "L" would continually change their relationship with one another and eventually collapse, similar to conventional lines. The present invention discloses a golf training having sufficient reinforcement to allow the repeated urging and relieving of forces upon said pair of elastic cords from a multitude of directions. Neither of the cited references, or a combination thereof, possess sufficient reinforcement to sustain the repeated urging and relieving of forces upon the lines or elastic ropes.

The Novel Physical Features of Claim 10 Produce New And Unexpected Results And Hence Are Unobvious And Patentable Over These References Under § 103

Also, Applicants submit that the novel physical features of claim 10 are also unobvious and hence patentable under § 103 since they produce new and unexpected results over Stunden and Stone.

These new and unexpected results are the ability of Applicant's apparatus to visually and physically represent the cross section of a proper golf swing plane. In addition to the representation of the swing plane, the current invention has the ability to restrict a golf club in the execution of an improper swing. Cited references were never intended to be used as a golf trainer, individually or in combination. Applicant's apparatus is therefore unobvious to those skilled in the art of drying clothes and those skilled in the art of training the proper golf swing.

Dependent Claims Are Patentable Over Studen and Stone

Dependent Claims 11–17 Are Patentable Over Stunden and Stone since they include the limitations of Claim 10 with additional subject matter.

Claim 11 more narrowly describes the physical structure based on the preferred embodiment of the present invention. It includes a “base” which prevents the forward elements from getting separated from the aft elements. In addition, it recites a physical “spreader” that separates the first end attachment member from the second end attachment member with sufficient distance between the two to accommodate the full swing of a driver.

Claim 12 recites the means for adjusting the height of the elastic cords. This is unique for a golf swing trainer. Clotheslines can be set high enough for the tallest laundry and any shorter laundry can simply hang higher off the ground. For a golf swing it is important that the predetermined height be adjusted for different size golfers and different clubs.

Claim 13 recites a “plurality of attachment locations” along the first end attachment member and the second end attachment member. For a golf swing trainer, the distance between the cords is important, not the quantity of cords that can be attached. A clothes drier can improve capacity by increasing the number of attachment locations. The benefit of multiple attachment locations for a swing trainer is embedded in the ability to decrease the distance between the cords. As a golfer is able to improve the golf swing, a more narrow gap between the cords will further develop and improve the skill of the golfer.

Claim 14 recites the “plane formed by the said pair of elastic cords is substantially perpendicular to the intended swing plane of the golfer”. This has no consequence for a clothesline. However, it more clearly defines the visual representation of the swing plane for the golfer. In addition, it promotes the proper take away, downswing, and throughswing with any given club. If the golfer executes a swing that is either too steep or too shallow, the present invention will restrict the completion of that swing.

Claim 15 recites further enhancement “rendering said golf swing plane training apparatus collapsible”. This has benefits for the clothes drier and for the golf swing trainer. For a clothes drier, it has the benefit of removal from an unsightly location, such as a backyard, to a less visible location, such as a closet. In the case of the golf swing trainer, it provides the benefit of being able to transport the trainer to another facility such as a driving range.

Claim 16 recites the specific attachment techniques and pivoting members to effectively collapse the preferred embodiment of the swing trainer.

Claim 17 simply indicates the material, PVC, used to fabricate the preferred embodiment of the current invention.

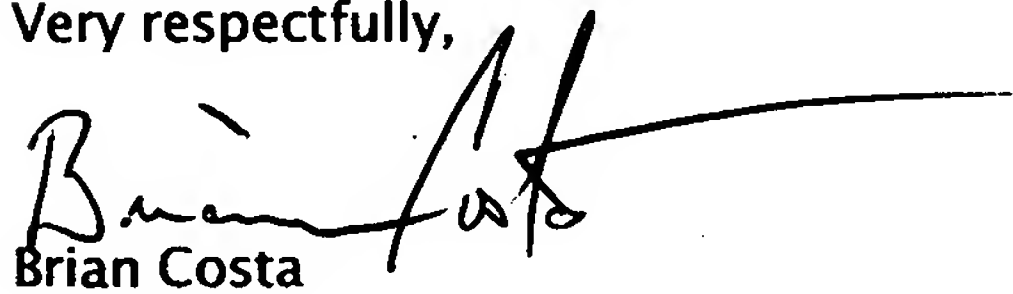
Conclusion

For all the above reasons, Applicants submit the claims are now in proper form and that the claims define patentably over prior art. Therefore they submit that this application is now in condition for allowance, which action they respectfully solicit.

Conditional Request For Constructive Assistance

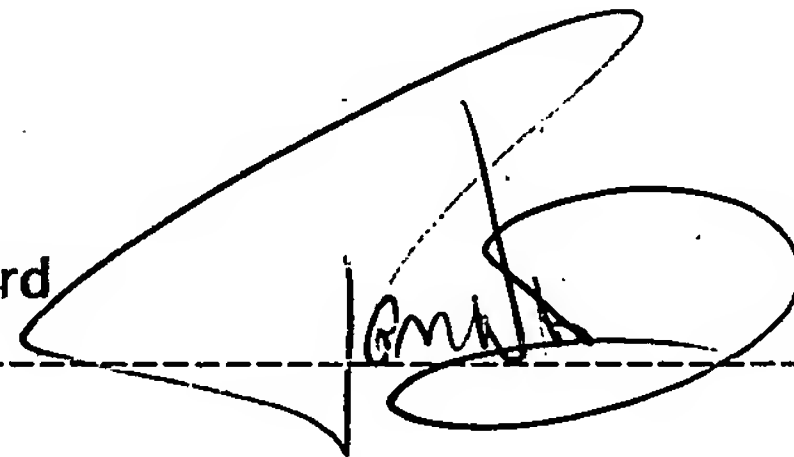
Applicants have amended the claims of this application so they are proper, definite, and define novel structure, which is also unobvious. If, for any reason, this application is not believed to be in full condition of allowance, Applicants respectfully request assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition.

Very respectfully,


Brian Costa

Tom Ward

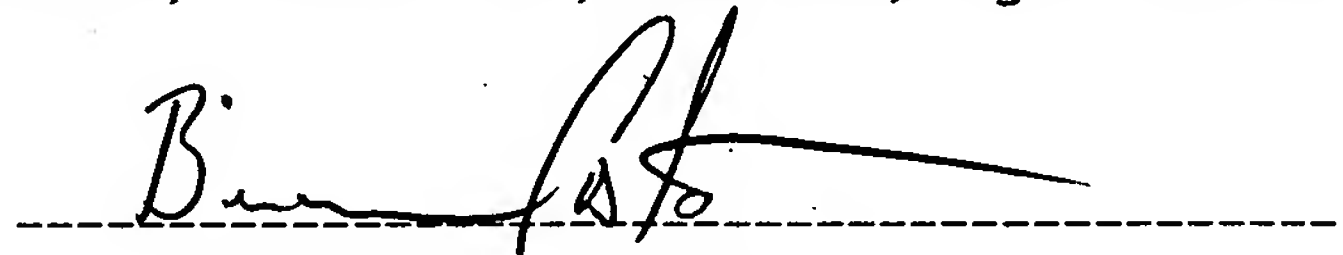
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2005 October 31



Brian Costa, Applicant